

RICHARD D. EMERY
ANDREW G. CELLI, JR.
MATTHEW D. BRINCKERHOFF
JONATHAN S. ABADY
EARL S. WARD
ILANN M. MAAZEL
O. ANDREW F. WILSON
KATHERINE ROSENFELD
ELIZABETH S. SAYLOR
DEBRA L. GREENBERGER
ZOE SALZMAN
SAM SHAPIRO
JULIA EINBOND
VASUDHA TALLA
JENNIFER M. KEIGHLEY
ALISON FRICK
DAVID LEBOWITZ

EMERY CELLI BRINCKERHOFF & ABADY LLP

ATTORNEYS AT LAW
75 ROCKEFELLER PLAZA, 20TH FLOOR
NEW YORK, NEW YORK 10019

TELEPHONE
(212) 763-5000
FACSIMILE
(212) 763-5001
WEB ADDRESS
www.ecbalaw.com

CHARLES J. OGLETREE, JR.
DIANE L. HOUK

January 10, 2014

Via ECF

Hon. Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Dr. Lori Simon, et al. v. The New York and Presbyterian Hospital*,
No. 13 Civ. 5899 (LGS)(DF)

Dear Judge Schofield:

We represent Plaintiffs Dr. Lori Simon, Dr. Bezalel Dantz, Dr. Peter Hahn, and Dr. Tracey Marks (“the *Simon* Plaintiffs”). We write, pursuant Part III(B)(7) of Your Honor’s Individual Rules and Procedures for Civil Cases, to request oral argument on Defendant’s motion to dismiss.

We make this request only on behalf of the *Simon* Plaintiffs. Counsel for the *Childers* Plaintiffs, Mr. Barentzen, opposes this request.¹ Counsel for Defendant have indicated that they do not believe oral argument is necessary.² Thank you for your consideration.

Respectfully submitted,

/s/

¹ Mr. Barentzen stated his position as follows: “Counsel for *Childers* Plaintiffs believes that the issues have been exhaustively briefed, that it is clear from the pleadings that Defendant’s motion to dismiss should be denied and that oral argument is unnecessary and will only act to further delay resolution of the motion. However, if the Court disagrees and is inclined to hear oral argument, counsel for the *Childers* Plaintiffs would like an opportunity to participate and to that end advises the Court that he is unavailable from January 17 to 24.”

² Counsel for Defendant have indicated “that they do not believe oral argument is necessary given the several dispositive grounds clearly mandating dismissal set forth in the parties’ voluminous briefing.”

EMERY CELLI BRINCKERHOFF & ABADY LLP

Page 2

Katherine Rosenfeld
Matthew D. Brinckerhoff
David A. Lebowitz

- c. Maura Barry Grinalds, Counsel for Defendant
Steven Barentzen, Counsel in the *Childers* Action